

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
v.	)	Nos. 3:21-CR-154-KAC-JEM
	)	3:08-CR-178-KAC-JEM
TRAVIS S. JACKSON,	)	
	)	
Defendant.	)	

**MEMORANDUM AND ORDER**

All pretrial motions in these cases have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. The parties came before the Court on May 25, 2022, for a Telephonic Status Conference to set a new trial schedule in this matter. Assistant United States Attorney Kevin Quencer appeared on behalf of the Government. Assistant Federal Defender Sarah H. Olesiuk represented Defendant. Defendant was excused from attending the hearing.

On May 13, 2022, the parties filed a Joint Motion to Withdraw Defendant's Guilty Plea that was granted by the District Judge on May 18, 2022 [Doc. 17]. Thus, the speedy trial clock in this case began to run on the day the District Judge's Order was entered on May 18, 2022. 18 U.S.C. § 3161(i) (providing that a defendant shall be deemed indicted on the day the order permitting withdrawal of a guilty plea becomes final). At the May 25 hearing, Defendant made an oral motion to set the trial date beyond the seventy days provided by the Speedy Trial Act. Defendant requires additional time to investigate the factual and legal issues of this matter, confer with the Government regarding a potential resolution of this matter, and to otherwise prepare the case for trial if the parties fail to negotiate a plea agreement. Defendant also requested that the Final Hearing as to Revocation of his Supervised Release, currently scheduled for June 17, 2022,

be continued to the same date as the prospective new trial date. The Government expressed no objection to Defendant's oral motion. The parties agreed on a new trial date of November 29, 2022.

The Court finds Defendant's oral motion to continue the trial is unopposed by the Government and well taken. It also finds that the ends of justice served by continuing the trial outweigh the interest of Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Court finds that defense counsel needs time, beyond the seventy days provided by the Speedy Trial Act, 18 U.S.C. § 3161(c)(1), to investigate the factual and legal issues of this matter, to confer with the Government towards a potential resolution of this matter, and to otherwise prepare the case for trial if the parties fail to negotiate a resolution of this matter. The Court finds that an extension of the seventy-day statutory period is warranted for counsel to have the reasonable time necessary to prepare for trial, despite the use of due diligence, and because the failure to grant a continuance in this proceeding would likely result in a miscarriage of justice. *See* 18 U.S.C. §§ 3161(h)(7)(B)(i) & (iv).

Defendant's oral motion to continue the trial date is **GRANTED**, and the trial of this matter is set for **November 29, 2022**. The Court finds that all the time between the submission of Defendant's oral motion on May 25, 2022, and the new trial date of November 29, 2022, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(7)(A)–(B).

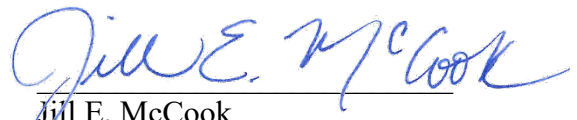
Accordingly, the Court **ORDERS** as follows:

- (1) Defendant's oral motion to continue the trial date beyond the time period set in the Speedy Trial Act is **GRANTED**;

- (2) The trial of this case is set to commence on **November 29, 2022, at 9:00 a.m.**, before the Honorable Katherine A. Crytzer, United States District Judge; and
- (3) All time between Defendant's submission of the oral motion to continue on May 25, 2022, and the new trial date of **November 29, 2022**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein.
- (4) The new deadline for filing pretrial motions is **July 1, 2022**, and responses will be due **July 15, 2022**. **Any necessary hearing on pretrial motions** will be set at a later date;
- (5) The new deadline to file a plea agreement in the record and to provide reciprocal discovery is **October 28, 2022**;
- (6) Motions *in limine* are due on or before **November 14, 2022**;
- (7) The parties are to appear before the undersigned for a final pretrial conference on **November 14, 2022, at 10:00 a.m.**;
- (8) Requests for special jury instructions with appropriate citations to authority pursuant to Local Rule 7.4. shall be filed on or before **November 18, 2022**; and
- (9) The Final Hearing concerning Revocation of Defendant's Supervised Release in Case No. 3:08-CR-178-KAC-JEM is reset to **November 29, 2022**.

**IT IS SO ORDERED.**

ENTER:

  
Jill E. McCook  
United States Magistrate Judge